IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 1 OF 2003
WITH
CIVIL APPLICATION NO. 4 OF 2003

Miss Ana Rita Rosalia Sulochana Vaz
Retired bank employee, residing at H. No. 176,
Near Holy Spirit Church, Margao, Goa. .... Appellants

Versus

1. Miss Angela Melba da Gama Pinto
housewife, residing at Bamon Vaddo,
Anjuna, Bardez, Goa.

2. Shri Francisco Adolfo Alcantara da
Piedade Vaz retired bank employee
Residing at H.No. 176, New Holy
Spirit Church, Margao, Goa.

3. Miss Maria Zoraida Sarojini da Piedade Vaz
residing at H.No. 176, new Holy Spirit
Church, Margao, Goa.

4. Mrs. Maria Judith Esther Ninette Shakuntala
Vaz e Sharma and her husband

5. Mr. Kewal Kumar Sharma, Gov. employee
both residing at 351, Kailash Tower,
I, Mount Kailash, Opp. D.P.S.
East of Kailash, New Delhi. .... Respondents

Shri M.B. D'Costa, Sr. Advocate with Shri J.A. Lobo, Advocate for the Appellant.

Shri M.S. Usgaonkar, Sr. Advocate with Ms. P. Kamat, Advocate for Respondent No.1.
Respondent No.2 in person – absent.

Mr. C. Mascarenhas, Advocate for Respondents No. 3, 4 & 5 – absent.

CORAM : **P.V. KAKADE, J.**

DATE : **6th DECEMBER, 2006**

ORAL JUDGMENT :

Heard the learned Counsel for both the parties. Perused the record.

2. The appellant has preferred this appeal against the order passed by the Civil Judge, Senior Division, Mapusa rejecting the Civil Miscellaneous Application No. 491/2001/B for temporary injunction with direction that the first defendant shall maintain status quo for 2 months. While the appeal was admitted, this Court modified the lower Court's order to the effect that the Inventory Court shall proceed with the Inventory Proceedings No. 214/1997, shall not pass any final orders in the decision of the appeal. Statement of Advocate for respondent no.1, Mr. Usgaonkar, was also recorded to the effect that respondent no.1 shall maintain status quo in respect of the properties in issue.

3. In the course of hearing, it was apparent that no worthwhile purpose would be served in adjudicating the application for temporary injunction, when the suit is right for hearing, as it is of the year 2001 and, therefore, it would be in the interest of both the parties to expedite the suit for the purpose of final adjudication on merits.

4. Hence, the trial Court is directed to expedite the hearing, after giving opportunity to both the sides to lead their evidence and to complete adjudication within a period of 6 months from the date of receipt of the writ of this Court. It is clarified that pending the suit, modified order passed by this Court shall remain in force. With this direction, the appeal stands disposed of with no order as to costs. Consequently, civil application no. 4 of 2003 also stands disposed of with no order as to costs.

P.V. KAKADE, J.

NH